REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application and for courtesies extended during the telephone interview on July 26, 2006.

Disposition of Claims

Claims 1, 6, 8, 9, 30, 32, 34, 54, 59, and 64 were pending in the application. New claims 69-75 have been added by this reply. Therefore, claims 1, 6, 8-9, 30, 32, 34, 54, 59, 64, and 69-75 are pending after the amendments. Claims 1, 30, 32, 34 and 73 are independent. The remaining claims depend, directly or indirectly, from claims 1, 30, 32, 34, and 73.

Claim Amendments

Independent claims 1, 30, 32, and 34 have been amended to clarify that the microprocessor identity is etched into the microprocessor. Support for this amendment may be found, for example, on page 13 of the referenced application.

New claims 69-75 have been added by this reply. New claims 69-72 and 75 are directed to embodiments in which the user is a corporation and the digital identity data is associated with the corporation. Support for new claims 69-72 and 75 may be found, for example, on pages 3, 7, 9 and 10 of the originally filed specification.

New claim 73 is directed to a digital identity device that includes two memories and a microprocessor, wherein digital identity data is etched into the first memory, the microprocessor identity is etched onto the microprocessor, and the second memory includes an operating system.

Further, the operating system is configured to bind the digital identity data to the microprocessor identity by encrypting the digital identity data using an algorithm, wherein the algorithm uses the microprocessor identity as input. Support for new claim 73 may be found, for example, on pages 8-12 and Figure 2 of the originally filed specification.

New claim 74, which depends from new claim 73, is directed to listing various types of digital identity data. Support for new claim 74 may be found, for example, in pending claim 6.

No new matter has been added by any of the aforementioned amendments.

Rejections under 35 U.S.C. §103

Claims 1, 6, 8, 9, 30, 32, 54, and 59 are rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 5,623,637 ("Jones") in view of U.S. Patent No. 5,237,610 ("Gammie") and U.S. Patent No. 5,774,544 ("Lee"). To the extent that this rejection applies to the amended claims, the rejection is respectfully traversed.

"To establish a *prima facie* case of obviousness ... there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." (*See* MPEP §2143). However, a *prima facie* case of obviousness may also be rebutted by showing that the art, in any material respect, teaches away from the claimed invention. *In re Geisler*, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997) (*see* MPEP §2144.05, III).

Turning to the rejection, as discussed above, independent claims 1, 30, and 32 have been amended to clarify that the microprocessor identity is etched onto the microprocessor. The Examiner has admitted that neither Jones nor Gammie teach or suggest "storing a serial number in the microprocessor." Accordingly, the Examiner has relied upon Lee to teach the

aforementioned limitation. (*see* Office Action mailed June 6, 2006, p. 5) In view of the above amendment to independent claims 1, 30, and 32, the Applicant respectfully asserts that Lee may not be used to establish a *prima facie* case of obviousness. Specifically, Lee explicitly teaches away from "etching" the serial number into the microprocessor. Specifically, Lee states that "… the CPU serial number in NVRAM packaged with the CPU die provides cost advantages over, …, permanently etching a serial number onto the die…" (*see* Lee, col. 3, ll. 55-58). Clearly, from the above statement, Lee teaches away from using etching to mark the microprocessor serial number onto the microprocessor. In view of the above, it is improper to combine the Jones, Gammie, and Lee to establish a *prima facie* case of obviousness. Accordingly, amended independent claims 1, 30, and 32 are patentable over Jones, Gammie, and Lee. Dependent claims are also patentable over Jones, Gammie, and Lee for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 34 and 64 are rejected under 35 U.S.C. § 103 (a) as being obvious over Jones, Gammie, Lee, U.S. Patent No. 6,567,915 ("Guthery") in view of U.S. Patent No. 6,111,506 ("Yap"). To the extent that this rejection applies to the amended claims, the rejection is respectfully traversed.

Independent claim 34 has been amended to clarify that the microprocessor identity is etched onto the microprocessor. Dependent claim 64 depends from amended independent claim 34. As discussed above, Lee teaches away from "etching" the microprocessor identity onto the microprocessor. Accordingly, it is improper to combine the Jones, Gammie, Lee, Guthery, and Yap to establish a *prima facie* case of obviousness. Accordingly, amended independent claim 34 is patentable over Jones, Gammie, Lee, Guthery, and Yap. Dependent claim 64 is also

patentable over Jones, Gammie, Lee, Guthery, and Yap for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

New Claims

New claims 69-75 have been added by this reply. New claim 73 is independent. New claims 69-72, 74 and 75 are dependent.

New claims 69-72 and 75 are directed to embodiments in which the user is a corporation and the digital identity data is associated with the corporation (*e.g.,* an incorporation name of the corporation, a date and place of incorporation of the corporation, a name of a corporate officer of the corporation, and a corporate partner of the corporation). These claims are patentable over the cited references as these references fail to disclose using a digital identity data to identify a corporation.

New claim 73 is directed to a digital identity device that includes two memories and a microprocessor, wherein digital identity data is etched into the first memory, the microprocessor identity is etched onto the microprocessor, and the second memory includes an operating system. Further, the operating system is configured to bind the digital identity data to the microprocessor identity by encrypting the digital identity data using an algorithm, wherein the algorithm uses the microprocessor identity as input. Because none of the cited references discloses a digital identity device as recited in claim 73, claim 73 is patentable over these references. Dependent claims 74-75 are also patentable for at least the same reasons.

In view of the above, favorable action in the form of a notice of allowance is respectfully requested for the referenced application.
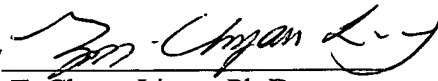
Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 05452/002002).

Dated: September 6, 2006   Respectfully submitted,

By _____
T. Chyau Liang, Ph.D.
Registration No.: 48,885
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant